

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

OLEN A. HENRY,

Plaintiff,

v.

SAN JOSE HEALTHCARE SYSTEM, LP
d/b/a REGIONAL MEDICAL CENTER OF
SAN JOSE,

Defendant.

Case No. 5:14-cv-02762 HRL

**ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED**

This matter has been pending for nearly a year, with little apparent progress. Defendant previously moved to continue case deadlines, advising that its efforts to proceed with discovery and mediation were stalled because its attempts to communicate with plaintiff (to discuss the status of the case and to ascertain if he has obtained new counsel or if he will proceed pro se) had largely been ignored. In its February 27, 2015 order granting that motion, the court advised plaintiff that he retains all of the obligations of a litigant; that he is obliged to comply with all rules and court orders, whether or not he obtains new counsel; and that, if he persisted in his apparent inattention to this case, the court would issue an order to show cause why it should not be dismissed for failure to prosecute.

Defendant has now filed a second motion to continue case deadlines. According to defendant, it has had brief contact with plaintiff, who later advised that he retained a new attorney

who would contact defense counsel about the case. Because he claims he is now represented, defense counsel is no longer able to communicate with plaintiff directly. But, defense counsel says that no new attorney has contacted her either. Defense counsel also says that efforts to communicate with the new attorney she believes might be representing plaintiff have been ignored. Meanwhile, defendant says that its discovery requests remain unanswered; plaintiff's deposition had to be canceled for the second time; and, little time remains to conduct the discovery defendant says it needs to obtain prior to any mediation.

Plaintiff (or his new attorney, if indeed he has one) are hereby ordered to appear before this court on **May 5, 2015, 10:00 a.m.**, Courtroom 2, Fifth Floor, United States District Court, 280 South First Street, San Jose, California and show cause why this case should not be dismissed for failure to prosecute.¹ **Failing appearance by plaintiff, or by an attorney who has entered a formal appearance on his behalf, this matter will be dismissed without further briefing or hearing.**

Plaintiff's former attorneys at Burton Employment Law, who remain on this docket solely for forwarding purposes, shall file a proof of service of this order as to plaintiff.

SO ORDERED.

Dated: April 17, 2015



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

¹ If defendant wishes to attend the show cause hearing, its counsel may do so via CourtCall.

5:14-cv-02762-HRL Notice has been electronically mailed to:

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